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FILED

July 12 2001

NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

By: Daniel S. Goodman  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

Anthony DiPastina, D.C.

TO PRACTICE CHIROPRACTIC  
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was first opened to the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board") upon the filing of a Consent Order, dated February 3, 1998, whereby Anthony DiPastina, D.C. ("Respondent"), was reprimanded, given a six (6) month suspension, stayed, and was to obtain a Board approved monitor for his practice. In addition, Respondent was required to pay the costs of the investigation, a civil penalty, and was to make full restitution to all insurance companies for any unnecessary or undocumented patient visits. The facts and findings pursuant to which the foregoing discipline was imposed are set forth in the Order, which is incorporated herein by reference.

During the period of Respondent's stayed suspension, Respondent failed to employ a Board approved monitor. Instead, without Board approval, he retained Gregory S. Cortina, D.C., to act as his monitor, a fact made known to the Board in or around September 1999. Dr. Cortina never entered into a formal written agreement with the Board, as the February 3, 1998 Consent Order required. The 1998 Order further contemplated that the formal written agreement would have specified the monitor's compensation, his monitoring responsibilities and his obligation to report to the Board the results of his chart reviews. Furthermore, the Board has now reviewed Respondent's records that were submitted to Dr. Cortina for chart review and finds that Respondent failed to correct the improper practices and inadequate record keeping, which were the basis of the 1998 Order.

The parties having consented to the entry of this Order as a resolution of this matter without the necessity of formal administrative proceedings, and the Board finding the within Order to be adequately protective of the public interest:

IT IS ON THIS / / DAY OF *July*, 2001

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice chiropractic shall be, and hereby is, suspended for a period of six (6) months from the date of entry of the within Consent Order; said suspension shall be **stayed** and served as a period of probation, provided that Respondent adheres fully and completely to the terms and conditions set forth herein.

2. At the outset of the six (6) month period of probation, Respondent shall engage a monitor, approved by the Board. [The record reflects that prior to entry of the within Order, Respondent proposed Gerald M. Vernon, D.O., D.C., as his monitor and he

has been approved by the Board.] All monitoring shall be done at Respondent's own expense. Dr. Vernon shall monitor Respondent's compliance with the terms of this Order throughout his six (6) month period of probation. Dr. Vernon shall retrieve ten (10) of Respondent's charts at random, on a bi-monthly basis, and evaluate them for compliance with this Order and to ensure that Respondent has remedied the violations set forth in the 1998 Order. In particular, his review should assess the appropriateness of Respondent's acceptance of patients, his conformity with the standards for record keeping (as set forth in N.J.A.C. 13:44E-2.2), and his referral of patients to other appropriate health care practitioners. Dr. Vernon shall sign a separate private letter agreement with the Board, which discloses his fee and outlines his responsibilities, as set forth above. In addition, Dr. Vernon shall submit a report to the Board within ten (10) days after his bi-monthly review of the charts. Respondent agrees to cooperate with Dr. Vernon by providing access to his charts and supplying any and all relevant information that Dr. Vernon requires.

3. Respondent shall successfully attend and complete twenty-four (24) hours of Board approved courses in record keeping and documentation, during his period of probation.

4. Respondent shall successfully complete and unconditionally pass the ProBE (Professional Problem Based Ethics) course offered by: The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or another ethics course approved by the Board, during his period of probation.

5. Respondent shall abide by the "Directives Applicable to Any Chiropractic Board Licensee Who Is Suspended, Revoked or Whose Surrender of Licensure Has Been Accepted," attached hereto and made a part hereof.

6. Respondent stipulates that he is aware that his failure to comply with any provisions of this Order may result in subsequent formal disciplinary proceedings for failure to comply with an Order of the Board.

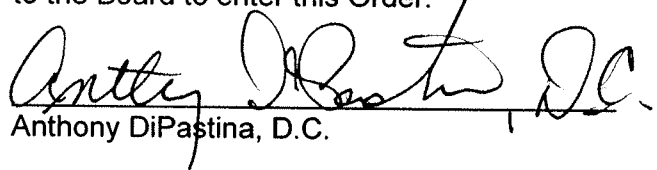
7. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Respondent's conduct prior to entry of this Order.

NEW JERSEY STATE BOARD OF  
CHIROPRACTIC EXAMINERS

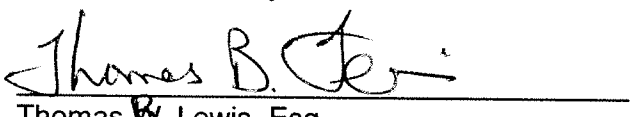
By:

  
William F. Winters, D.C.  
Board President

I have read and understand the within  
Consent Order and agree to be bound  
by its terms. Consent is hereby given  
to the Board to enter this Order.

  
Anthony DiPastina, D.C.

Consent is hereby given  
as to form and entry.

  
Thomas B. Lewis, Esq.